

this assertion, in that *Kracht* merely describes a second attempt to determine the type of device using information received from the first SNMP request, notably the sysObjectID.

In particular, *Kracht* discloses, on col. 8, lines 1-27, that when a device type cannot be identified, **an additional attempt** is made to determine the type of device. For example, the prefix of the sysObjectID variable may be used to determine whether the device is a "Cisco" device. If so, then the discovery mechanism uses the MIB sysServices value to identify the service layers at which the device operates; this enables the discovery mechanism to make an educated guess of the device type. For example, based on the service layer at which a device operates, the discovery mechanism may identify a device as a "generic" hub, router or switch. The sysServices value generally includes a bit vector that having one bit associated with each layer of services in the seven-layer OSI networking model. Each layer in the OSI model, and therefore each bit, represents a service layer at which a device may potentially operate. Because different device types operate at different layers, by determining what bits are set in the bit vector, the discovery mechanism can make an educated guess as to the device type. FIG. 3 illustrates a bit vector 300 that includes one or more bits 302, 304, 306 which respectively correspond to service layers "3", "2" and "1". The value of each bit 302, 304, 306 indicates whether the device may operate at the corresponding layer. The discovery mechanism may also guess a device type based on information that indicates the highest service level at which a device can physically operate. Table 1 is an example of such information.

Careful examination the above passage reveals that the *Kracht* system operates to identify devices NOT by transmitting or outputting a second **command**, but bases a second **attempt** at identification of the device on the received sysObjectID using its prefix, and the MIB sysServices value to identify the service layers, as captured by the bit vector 300 (see FIG. 3). This second attempt at identification does not entail issuance of a second (or subsequent) command.

By contrast, independent claim 1 recites a management station “transmitting **subsequent commands that are different from the prior commands.**” Independent claim 8 recites “the management station selectively outputs a second command from the plurality of commands to the managed device if the first command does not provide unique identification of the managed device, **the second command being different from the first command.**” Also, independent claim 15 recites “computer usable program code configured to cause the management station to transmit subsequent commands from the set of commands to the responding ones of the managed devices if the identities are not determined, **wherein the subsequent commands are different from the initial commands.**” Additionally, independent claim 22 recites “selectively outputting subsequent commands to the managed devices based on the determining step, **wherein the subsequent commands are different from the initial commands.**” Further, independent claim 31 recites “selectively issuing another one of the plurality of commands based on the determining step, **the other command being different from the one command.**”

In view of the arguments proffered, Applicants contend that the anticipation rejection cannot be sustained, as 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference. Accordingly, independent claims 1, 8, 15, 22, and 31 should be indicated as allowable, along with claims 2, 3, 5-7, 9, 10, 12-14, 16, 18-21, 23-27, 28-30, and 32-33 depending therefrom. Further, these dependent claims are patentable on their own merits.

With respect to the Office Action’s remarks (page 2, item 9) regarding a “rare finding that the claims are directed to well known discovery methods for probing devices,” Applicants do not understand this statement, as it appears to make light of Applicants’ contribution to the networking art, which the Examiner can appreciate is replete with proprietary and incompatible protocols. Moreover, the generic analogy presented reveals an apparent lack of appreciation for

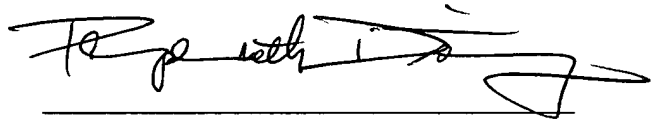
the claim language discussed above. Applicants respectfully request reconsideration of the Examiner's position, as such position lacks grounding in fact and in law.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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